

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on December 5, 2002 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Johnson, Cavallini, Segobiano and Ahart

Members Absent: Member Rackauskas

Staff Present: Mr. John M. Zeunik, County Administrator;
Mrs. Carmen I. Zielinski, Administrator's Office

Elected Officials

Present: Mr. Phil Dick, Director, Building and Zoning; Mr. Mike Behary, Planner, Building and Zoning Department; Mr. Jeff Tracey, Project Manager, Highway Department; Mr. Tom Anderson, Supervisor, Environmental Health, Health Department

Others Present: Mr. and Mrs. Jerry Babb; Mr. and Mrs. Marshall Kaisner;
Mr. Neil Finlen, Engineer, The Farnsworth Group

Chairman Gordon called the meeting to order at 5:38 p.m.

Chairman Gordon welcomed the new members of the Land Use and Development Committee, Vice Chairman Susie Johnson, Mr. Don Cavallini, and Ms. Cathy Ahart. Member Bette Rackauskas is not present tonight. Chairman Gordon also introduced the veteran member of the Land Use Committee, Mr. Paul Segobiano and encouraged the new members to take advantage of the many years of experience that Mr. Segobiano brings to the Committee and the County Board.

Chairman Gordon also introduced Mr. Phil Dick, Director of Building and Zoning; Mr. Michael Behary, Planner, Building and Zoning; Mr. Jeff Tracey, Project Manager, Highway Department, and Mr. Tom Anderson, Supervisor, Environmental Health, McLean County Health Department.

Chairman Gordon presented the minutes of the November 7, 2002 meeting for approval.

Motion by Segobiano/Johnson to recommend approval of the November 7, 2002 Land Use and Development Committee Meeting. Motion carried.

Chairman Gordon presented the bills, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor.

Motion by Segobiano/Johnson to recommend approval of the bills as presented by the County Auditor. Motion carried.

Chairman Gordon referred to a Request by Central Catholic High School for a Class D Raffle License. Chairman Gordon asked why the Land Use and Development Committee had the responsibility to recommend approval of a Class D Raffle License. Mr. Zeunik answered that the Land Use and Development Committee has had jurisdiction over raffles for over fourteen years. If the Land Use and Development Committee wishes to modify the oversight responsibility for raffles, the Committee can ask the Rules Subcommittee to look at this issue. Ms. Ahart asked if there was a more appropriate Committee to oversee the raffle applications. Chairman Gordon stated that the responsibility regarding the approval of Class D raffle licenses could be an issue for the Rules Committee to review. Mr. Zeunik noted that any action the Land Use and Development Committee makes tonight regarding this Class D Raffle License is only a recommendation to the County Board for approval or denial. Chairman Gordon clarified that a Class C Raffle License would only require approval or denial from the Land Use and Development Committee.

Mr. Phil Dick commented that typically a request for a license starts with an application that is presented to the Administrator's Office. The application is then reviewed by legal counsel and Class D raffle license applications are then forwarded to the Land Use and Development Committee for action.

Motion by Segobiano/Ahart to recommend approval of the Central Catholic High School Class D Raffle License.

Mr. Dick noted that Mr. Chuck Schanaberger, Director of Development, Central Catholic High School, is present to answer any questions. Mr. Schanaberger stated that this was the 10th Dream House Raffle for Central Catholic High School. All of the proceeds go toward a scholarship fund. Mr. Schanaberger stated that the previous nine raffles have

raised over \$650,000.00 for the scholarship fund for financially challenged students.

Chairman Gordon asked if the Committee members had any other questions or comments. Hearing none, Chairman Gordon called for the vote on the previous motion.

Motion carried.

Chairman Gordon referred to a request by Jerry and Jodi Babb to vacate an alley located 132 ft. south of Lafayette Avenue, beginning 411 ft. west of Foster Street and extending 284 ft. to the west in the unincorporated Town of Shirley, Case number S-02-19. Chairman Gordon stated that this item must proceed as a Subdivision Hearing, which is subject to specific procedures.

Chairman Gordon opened the public hearing on Case Number S-02-19. Mr. Dick stated that the notice of this public hearing was published in The Pantagraph on November 16, 2002, as required by law. All of the required notifications to the property owners within 250 ft. of the property were made. Mr. and Mrs. Jerry Babb, 10603 West Lafayette, Shirley, IL, are present to answer any questions the Committee may have.

Mr. Dick stated that in the year 2000, part of the alley was vacated. The present section was also recommended for vacation, but the previous owners of the property adjacent to this alley had not paid their taxes. Subsequent to this, new owners have purchased the property and have gone through the proper process of a vacation plat. Mr. Dick presented a vacation plat to the Committee for their review.

Chairman Gordon asked Mr. Dick to explain what a "vacation" of land means for the benefit of the new members. Mr. Dick answered that this alley was created when the Town of Shirley was originally platted, well before any Subdivision Rules were enacted by McLean County. A public alley has a right to reach other roads so residents can access their properties. In some instances alleys are not necessary. In this instance, the Road Commissioner and the Town of Shirley have indicated that they have no problem with this vacation. In short, Mr. Dick defined "vacate" as a portion of land that gets attached to one or more lots. If the vacation is internal to the subdivision, half of the property goes to one lot and half goes to another lot. If the vacation is external to the subdivision, which this request is, all of the property goes to the lots in the subdivision. The applicants will gain this property to use for their own private use. At this time, the taxes on this property have been paid. Mr. Dick noted that the Highway Department and the Health Department have no objection to this application.

Chairman Gordon asked the applicants if they had any comments or questions to present to the Land Use and Development Committee. The applicants answered that they had no comments to make at this time.

Chairman Gordon asked if members of the Land Use and Development Committee had any questions.

Mr. Segobiano clarified that the entire alley is being vacated, not just the portion highlighted in the plat. Mr. Dick noted that there is a legal description in the bottom of the plat that describes the entire section to be vacated.

Chairman Gordon asked if any other parties present, who have an interest in this case wish to make a comment. None were made.

Chairman Gordon stated that at this time, the applicants had another chance to offer any comments. Again, the applicants had no comments.

Chairman Gordon declared the Public Hearing closed.

The Chair announced that he would vote on the motion.

Motion by Segobiano/Cavallini to recommend approval to vacate a portion of an alley located in unincorporated Town of Shirley, known as Case Number S-02-19. Motion carried.

Mr. Dick noted that the recommendation made by the Land Use and Development Committee will be placed on the Consent Agenda of the County Board. Once approved, a resolution will be made and recorded. Mr. and Mrs. Babb thanked the Land Use and Development Committee.

Chairman Gordon referred to a request by Mr. and Mrs. Marshall Kaisner for a waiver of Preliminary Plan Requirements, a waiver of road frontage requirements for Lots 1 and 2 and a four-lot final subdivision plat for the Wildflower Estate Subdivision, Case Number S-02-20.

Mr. Dick stated that this is not a Public Hearing. Mr. Dick presented a plat for the Committee's review. Mr. Dick explained that the Building and Zoning staff recommends that the Wildflower Estates Subdivision be approved, contingent upon receipt of a signed letter from the City of Bloomington that approves ingress and egress for Lots 1 and 2 through Kickapoo Park and if an amended final plat, as agreed upon by the applicant, is submitted to the Department of Building and Zoning. This letter must show adequate lot width for Lot 2; front setback lines for Lots 1,2 and 3; the existing structures on Lot 3 and Outlot 4 that meet the necessary yard requirement, and the flood plain delineated. Mr. Dick presented copies of a letter from the City of Bloomington stating their recommendation for approval of the Wildflower Estate Subdivision request to the City Council.

Motion by Segobiano/Johnson to recommend approval for a Waiver of Preliminary Plan Requirements, a waiver of Road Frontage Requirements for Lots 1 and 2, and a four-lot final subdivision plat for the Wildflower Estate Subdivision, Case Number S-02-20, contingent upon receiving approval from the City of Bloomington.

Chairman Gordon noted that the staff report does not refer to approval of a water main extension agreement mentioned by Mr. George Drye, Director of Engineering and Water for the City of Bloomington. Mr. Dick stated that McLean County cannot impose a contingency requiring public water.

Mr. Cavallini asked what a conservation subdivision meant. Mr. Dick explained that a conservation subdivision is similar to a golf course development without the golf course. Within a conservation subdivision, plenty of open space areas are shared by the owners.

Ms. Johnson noted that part of the land is zoned agricultural. Mr. Dick explained that at this time, a part of the property is zoned agricultural, but the portion being discussed in the Preliminary Plan is zoned residential. Mr. Dick referred to the plat presented for visual effect. Chairman Gordon noted that the Land Use and Development Committee does not deal with issues directly regarding rezoning of land. The Zoning Board of Appeals deals with these issues.

Mr. Dick noted that Mr. and Mrs. Kaisner and Mr. Neil Finlen, The Farnsworth Group, were present to answer any questions the Committee may have. Committee members had no questions for the applicants. Chairman Gordon invited the applicants or Mr. Finlen to approach the Committee. Mr. Finlen commented that Mr. Dick summarized the request well and complimented the Building and Zoning Department for their valuable assistance and recommendations.

The Chair announced that he would vote on the motion.

Motion carried.

The Land Use and Development Committee briefly discussed the October 2002 Permit Activity Report.

Chairman Gordon made reference to an Audio Conference Program. Mr. Dick explained that an American Planning Association Audio Conference is scheduled between Regional Planning, Town of Normal, the City of Bloomington and McLean County. The next scheduled audio conference is on February 5, 2003, at 3:00 p.m., entitled "Update on Planning and Environmental Law." Mr. Dick hopes that members of the Land Use and Development Committee can attend.

Chairman Gordon made reference to the present meeting time of the Land Use and Development Committee on the first Thursday of every month at 5:30 p.m. Chairman Gordon asked if the Committee wished to continue with the same time. Chairman Gordon explained that in the past, a couple of members were shared by the Property and Land Use Committee, thus creating a problem with a quorum for the Land Use and Development Committee, when the Property Committee meeting ran into the 5:30 p.m. time line. With the new reorganization of Committees, the quorum issue should not be a problem because the only member being shared by the Property and Land Use Committees is Ms. Ahart. Committee members decided to stay with the present time for the meeting.

Mr. Segobiano noted that during August, September and October, his attendance at the Land Use and Development Committee will be limited due to personal commitments.

Chairman Gordon noted that the next Land Use and Development Meeting is scheduled for January 2, 2003. Chairman Gordon suggested moving the Land Use and Development Committee meeting to January 9, 2003. Committee members agreed with the Chairman's recommendation.

Ms. Johnson informed the Committee that she is scheduled to be in Court on January 9, 2003, so she may or may not be able to attend the Land Use and Development Committee.

Mr. Dick asked if the Land Use and Development Committee members would like an Orientation meeting. During the orientation, Zoning Ordinances, Subdivision Ordinances, Building Codes, Comprehensive Plan, Greenway Plan, etc. can be reviewed for the new members. Mr. Dick thinks that the January 9, 2003 meeting will be a light agenda, so, maybe, after that regular Land Use and Development Committee meeting, the orientation session can occur. Mr. Zeunik noted that the orientation meeting would be for information only.

Mr. Dick also suggested a Field Trip later in the year to view subdivisions and unincorporated areas. For a Field Trip Committee meeting, a public announcement is mandated and the press may wish to tag along.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:36 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary